

Accelerated (previously "Expedited") Presentence Investigation Reports

In certain cases the Probation Office may prepare an **Accelerated Presentence Investigation Report**. If the defense attorney would like a defendant to be considered for the Accelerated Program, the defense attorney must contact, within 24 hours of plea:

Robert Thacker at 704-350-7622 (robert_thacker@ncwp.uscourts.gov) or
Marcus Holmes at 704-350-7620 (marcus_holmes@ncwp.uscourts.gov)
for Charlotte and Statesville Division cases.

or

Dwayne Capps at 828-771-7376 (dwayne_capps@ncwp.uscourts.gov)
for Asheville Division cases.

The Accelerated guidelines, requirements and waiver can be found below.

Original waivers signed by the defendant and defense attorney are to be forwarded to the U.S. Probation Office for processing.

The Disclosure Process for Accelerated Reports is the same as for regular reports except any objections, proposed variances or corrections to the report must be filed via ECF **within 7 days after the Draft Report has been filed**.

Guidelines / Requirements for Accelerated Presentence Reports

In certain cases the sentencing process can be accelerated, with the Presentence Report being completed within five weeks of plea. Sentencing could then occur as early as seven weeks after plea. These cases will be designated as an "Accelerated Case" if the following criteria are met:

- All parties must indicate their willingness to proceed immediately.
- The defendant's known criminal history does not include any extensive out-of-state arrests.
- All foreseeable drug amounts, loss and/or restitution amounts will be stipulated in the plea agreement, in open court at the plea hearing, or will be agreed upon by all parties.
- Parties agree that they do not anticipate any disputed guideline or departure issues. Chapter 2 or Chapter 3 adjustments should be addressed in the plea agreement, in open court at the plea hearing, or agreed upon by all parties.
- Parties will waive their rights pursuant to Rule 32 time limits and agree to be sentenced on the next available sentencing date. Such waivers will be included in any written plea agreement. **(See Waiver, below).**
- Objections/clarifications must be received by the probation office within seven days of receipt of the Report and will be addressed in writing. A copy must also be received by all parties for informational purposes. The U.S. Probation Office will make an effort to resolve any objections/clarifications prior to sentencing. Unresolved issues could result in the case being continued for sentencing.
- If the defense attorney wants to be present during the Presentence interview, the probation officer must be contacted within five days after plea to schedule an appointment. Interviews will occur within 10 days after plea. Defendants must make themselves available to the probation officer within this time period.
- During the investigation, if it is determined that the case does not meet the criteria established for the Accelerated Presentence Program, the parties will be notified. In such cases, Rule 32 time limits will apply and sentencing may be delayed.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA

**WAIVER/AGREEMENT ACCELERATED
PRESENTENCE REPORT**

United States of America

vs.

Defendant

Docket Number

The parties jointly request consideration for an accelerated presentence report. Should the probation office determine that this case qualifies for such treatment, the parties agree to sentencing in this matter during the next available sentencing date, and agree to waive any applicable time limits pursuant to Fed.R.Crim.P.32. Should the probation office determine that this case does not qualify for accelerated treatment, it shall then proceed to sentencing in the normal course.

Assistant United States Attorney

Dated: _____

Attorney for Defendant

Dated: _____

Defendant

Dated: _____

Supervising U.S. Probation Officer

Dated: _____